IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

...

S.B. CIVIL WRIT PETITION NO.3110/2005

Chandan Singh

Versus

The State of Rajasthan and ors.

Date of Order : 24.5.2005

PRESENT

HON'BLE MR. JUSTICE R.P. VYAS

Mr.Parwat Singh Rathore, for the petitioner

...

The instant petition has been filed by the petitioner with the prayer that the proceedings of the meeting dated 23.4.2004 (Annex.-3) be quashed and set-aside, in-so-far as they relate to the acceptance of alleged resignation submitted by the petitioner and the respondents be treated in service with the respondent Samiti.

The controversy involved in the writ petition is that the petitioner was appointed as Salesman with the respondent Samiti, in the year, 1985 and since then, he is continuously working in the Samiti. The annual meeting of

the respondent Samiti was convened and it was decided that on the retirement on Shri Bhuraram Bheel, on 31.3.2005, the petitioner will be posted as Manager of the respondent Samiti w.e.f. 1.4.2005 and will be paid salary of Rs.3000/- per month.

Again, the meeting of Board of Director was held on 23.4.2005. However, since all the members of the Board of Directors were not present and quorum was not complete and number of villagers was more, therefore, the Gram Sabha was held and it was decided that since the petitioner has resigned, therefore, the same is accepted and the charge of the petitioner has been handed-over to Shri Somdutt Sharma, Loan Supervisor.

The main contention of the learned counsel for the petitioner is that all the members of the Board of Directors were not present on 23.4.2005 when the decision of acceptance of resignation of the petitioner was taken, therefore, the proceedings of meeting dated 23.4.2005 are illegal and arbitrary.

The further contention of the petitioner is that he has not submitted any resignation nor any complaint was there

against the petitioner. That apart before taking decision to remove the petitioner from the services, no opportunity of hearing was given to him.

During the course of arguments, it has been requested by the learned counsel for the petitioner that looking to the facts and circumstances of the instant case, the any Competent Authority in the Rajasthan Co-operative Societies Act, 2001 (for short 'the Act of 2001') may be directed to consider the representation / appeal / revision of the petitioner, in accordance with law. Since the request of the petitioner is only for consideration of the representation / appeal / revision available in the Act, the instant petition is disposed of, at this stage in the manner that the petitioner is directed to file a representation / appeal / revision available in the Act within a period of 15 days from today and the Competent Authority shall consider and decide the same either way, strictly in accordance with law, within a period of one month from the date of receiving a certified copy of this order. If it is found that the petitioner is entitled for any relief strictly in accordance with law, then the same may be given to him and if the petitioner is not found entitled to the relief sought for, then a reasoned and speaking order, strictly in accordance with law, may be passed.

Till the representation / appeal /revision of the petitioner is decided as per the statute by the Competent Authority, he shall not be relieved from the post of the Manager.

There will be no order as to costs.

(R.P.VYAS)J.

Rm/